

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5324 of 2020

Arising Out of PS. Case No.-202 Year-2015 Thana- MASHRAK District- Saran

HARIHAR SAHANI Son of hawaldar Sahani Resident of Village - Marwa Basahiya, P.S.- Panapur, Dist.- Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 14-09-2020 Heard Mr. Rajesh Kumar, learned Advocate for

the petitioner and Mr. Jitendra Kumar Singh, learned

APP for the State.

This is an application for grant of bail to the

petitioner in connection with Mashrak P.S. Case No. 202

of 2015 dated 16.07.2015 instituted for the offences

under Sections 387 and 34 of the Indian Penal Code and

Sections 17 of the C.L.A. Act.

The petitioner is said to have written a letter to

the informant on a letter pad belonging to Maoist outfit,

demanding 8% levy on construction work.

Learned counsel for the petitioner submits that



it has not been ascertained whether the signature on the letter is that of the petitioner. The petitioner has been arrested in this case and made accused only on the basis of suspicion. The five other cases in which the petitioner has been made accused earlier, he has been granted bail in all such cases.

In the present case, the petitioner is in custody since 22.09.2016.

This Court had called for a report about the stage of the case from the court below. A perusal of the report indicates that up till now only three witnesses have been examined and the court at the moment is vacant. Thus, it has been urged that there is no likelihood of the trial being concluded in near future and the petitioner has remained in custody for about more than four years.

Regard being had to the period of custody of the petitioner, the nature of accusation and taking into account that he has been granted bail in all the cases in



which he has been made accused earlier, he is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Saran at Chapra in connection with Mashrak P.S. Case No. 202 of 2015.

However, it is directed that the petitioner shall participate in the trial proceedings and his unauthorized absence from the trial proceedings on two consecutive dates would render his bail liable to be cancelled.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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